Template 13: Blank Form 77 – Enforcement Warrant for Regular Redirection

**MAGISTRATES COURT OF QUEENSLAND**

|  |  |
| --- | --- |
| REGISTRY: [INSERT] |  |
| NUMBER: [INSERT] |  |

|  |  |
| --- | --- |
| Applicant/Enforcement Creditor: | [Insert your name] |
|  | AND |
| Respondent/Enforcement Debtor: | [Insert Debtor’s name] |

**ENFORCEMENT WARRANT – FOR REGULAR REDIRECTION**

# **Enforcement Creditor**: [Insert your name]

**Address:** [Insert your address]

**Enforcement Debtor :** [Insert Debtor’s name]

**Address:** [Insert Debtor’s address]

**Third Person:** [Insert third party’s name]

**Name of Financial Institution:** [Insert name of Financial Institution]

**Address:** [Insert third party’s address]

**AMOUNT OWING**

The enforcement creditor obtained a judgment on [date] against the enforcement debtor.

The amount outstanding by the enforcement debtor is as follows:-

Judgment amount $

Less payments $

Plus interest $

Plus costs $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Total owing**  $

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|  |  |
| --- | --- |
| ENFORCEMENT WARRANT  FOR REGULAR REDIRECTION | Name: |
| Filed on Behalf of the Applicant/Enforcement Creditor | Address: |
| Form 77, Version 3 |  |
| Uniform Civil Procedure Rules 1999 | Phone No: |
| Rule 848 | Fax No: |
|  | Email: |

**ENFORCEMENT WARRANT**

An enforcement warrant is hereby issued authorising the regular redirection to the enforcement creditor of all or part of a regular debt.

The warrant contains the following conditions: -

* + - 1. The above third person must deduct the amount of $ . from the specified account each time a regular deposit is made by [Insert name of the fourth party] (the “fourth person”) into the specified account [or in the case of the last deduction, such lesser amount that will result in the total amount owing specified above having been deducted];
      2. The specified account of the enforcement debtor from which the deduction is to be made is:-

Financial Institution - [Insert]

Branch - [Insert]

Account Name - [Insert]

Style of Account - [Insert]

Account Number - [Insert]

* + - 1. The amount deducted must be paid to the enforcement creditor at the address stated above.
      2. The deduction from the specified account and the payment to the enforcement creditor must be done within 2 business days after the deposit is made.
      3. The third person may deduct from the specified account an administration charge of $ . and retain it as a contribution towards the administrative cost of making a payment under this warrant.
      4. The third person must give the enforcement debtor a notice detailing each deduction.
      5. This warrant expires on [date].

This enforcement warrant issued at a.m./p.m.on / / *.*

**NOTICES TO THIRD PERSON**

* This enforcement warrant does not come into force until the end of 7 days after the day on which it is served on you.
* After service on you of this enforcement warrant you may apply to the court to set it aside or stay execution (See Rule 819)
* The filing of that application does not stay the operation of the warrant.
* Failure to comply with this warrant may be contempt of court and may entitle the enforcement creditor to obtain an order against you.
* Details of debt claimed to exist between the Enforcement Debtor and the Third Person: *[Set out details of the debt]*
* Relationship claimed to exist between the Enforcement Debtor, the Third Person and any Fourth Person: *[Set out details of relationship, e.g. contractor, XYZ project, identify government department, company branch or financial institution involved, etc]*

**NOTICES TO ENFORCEMENT CREDITOR**

* This enforcement warrant must be served personally or by post on the enforcement debtor and the third person.
* While this warrant is in force no other enforcement warrant may be issued in relation to the money order , unless a court orders otherwise.
* You may apply to the court to set aside, suspend or vary this warrant.

**NOTICES TO DEBTOR**

* You must ensure that adequate funds remain in the specified account after each regular deposit for the deduction from the account of the amount specified in this warrant.
* You must notify the enforcement creditor if:-

1. [Insert name of the fourth party] (the “fourth person”) discontinues regular payments in the nature of earnings to you; or
2. you close the account or arrange for the fourth person to pay you in another way.

* You may apply to the court to set aside, suspend or vary this warrant.

Registrar: *(registrar to sign and seal)*

Dated: